

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MONTANA  
MISSOULA DIVISION

MARIAH V.A.,

Plaintiff,

v.

KILOLO KIJAKAZI, ACTING  
COMMISSIONER OF SOCIAL  
SECURITY,

Defendant.

CV 22–119–M–DWM

ORDER

Plaintiff Mariah V. Anastasi ("Anastasi"), by and through her attorney, John E. Seidlitz, Jr., moves under the Equal Access to Justice Act ("EAJA"), 28 U.S.C. § 2412(d), for attorney fees and costs incurred in prosecuting her Social Security appeal. Plaintiff initially requested \$12,546.33 in fees and \$402.00 in filing costs. Costs are not paid by Agency funds, but rather by the Judgment Fund.

Counsel for Defendant Commissioner of Social Security ("Commissioner") has been contacted and has stipulated to a reduced fee amount of \$11,919.01, along \$402.00 in costs.

Upon Plaintiff's application for fees and costs under the Equal Access to Justice Act, and for good cause showing;

Accordingly, IT IS ORDERED that Anastasi's Application for Award of EAJA Fees and Costs (Doc. 17) is GRANTED. Anastasi shall recover from

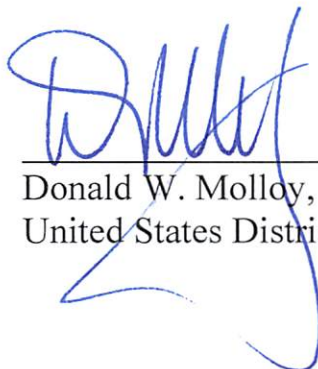
Commissioner \$11,919.01 in fees, as well as \$402.00 in filing costs.

IT IS FURTHER ORDERED that if, after receiving the Court's EAJA fee order, the Commissioner (1) determines upon effectuation of the Court's EAJA fee order that Plaintiff does not owe a debt that is subject to offset under the Treasury Offset Program, (2) agrees to waive the requirements of the Anti-Assignment Act, and (3) is provided a valid assignment of fees executed by Plaintiff, the fees will be made payable to Plaintiff's attorney and mailed to Plaintiff's attorney's office as follows:

Seidlitz Law Office  
P.O. Box 1581  
Great Falls, MT 59403-1581

However, if there is a debt owned under the Treasury Offset Program, the Commissioner cannot agree to waive the requirements of the Anti-Assignment Act, and a check for any remaining EAJA fees after offset will be paid by a check made out to Plaintiff, but delivered to Plaintiff's attorney's office at the address stated above.

DATED this 18<sup>th</sup> day of April, 2023.



Donald W. Molloy, District Judge  
United States District Court